

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

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|----------------------------|---|---|
| JAMES LEE, | : | |
| Plaintiff, | : | |
| vs. | : | Case No. 3:14cv00291 |
| CAROLYN W. COLVIN, | : | District Judge Walter Herbert Rice |
| Commissioner of the Social | : | Chief Magistrate Judge Sharon L. Ovington |
| Security Administration, | : | |
| Defendant. | : | |

DECISION AND ENTRY

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #14), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on February 12, 2016 (Doc. #14) is **ADOPTED** in full;
2. The Commissioner's non-disability finding is **VACATED**;
3. No finding is made regarding whether Plaintiff James Lee is under a "disability" within the meaning of the Social Security Act;

4. This matter is **REMANDED** to the Social Security Administration pursuant to Sentence Four of 42 U.S.C. §405(g) for further proceedings consistent with this Decision and Entry and the Report and Recommendations; and
5. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge